G R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

~~190~~ 1893-4
(Inwai)

File No. 133

Serial Nos.

Papers Filed.

*Month*_____

SUBJECT.

Custody of property of Temples not under Govt. management

PREVIOUS REFERENCES. LATER REFERENCES.

OFFICE OF THE
83
MUZRAI
BRANCH
DEWAN OF MYSORE

MUZARAYI.

(General Serial No. 30.)

1893-4

From The Chief Secretary

To Muzrai Superintendent

Dated 31st July

Despatched

Received 5-8-93

Enclosures No.

General No. 2112
Muzarayi. F. No. J 141

Requesting information as to Subject No. 107 discussed at the last Representative Assembly.

No 2142
1141
01 1893

Mysore Dewan's Office,

Bangalore, 31st July 1893

From,

The Chief Secretary to the
Dewan of Mysore.

To,

The Acting Superintendent
in Mysore.

Sir,

I am directed to invite your attention to Subject No 157 discussed at the meeting of the Representative Assembly held at Mysore in October 1892 and to request that you will be good enough to intimate how the matter stands; whether any action has been taken and any instructions issued to the effect suggested.

I have the honor to be,
Sir,
Your Most Obedient Servant.

J Manikam
Chief Secretary

Compd AK.

Copd 2 cons

MUZARAI.

(General Serial No. 30.)

1893

From

The Secretary to the Dewan of Mysore.

To The Dy Commrs of Dists

Dated 24 Sept 93

Despatched 26 Sept 93

Received

Enclosures No.

General No. 295-302

Muzarai. F. No.

Has the honor to refer the Dy Commrs to subject No. 157 (noted overleaf) brought up at the Dasara Representative Assembly held in Octr last and to request an expression of their opinion in the matter at an early date

By Order

Secretary

From D.C. Tumkur No 277 dt 27/9/93
From D.C. Kolar No 1257/307 dt 3/10/93
From D.C. Kadur No 5318 dt 6/10/93
From D.C. Shimoga No 359/16 dt 5/10/93
From D.C. Bangalore No 4688 dt 7/10/93
From D.C. Mysore No 1112 dt 11/10/93
From D.C. Chitaldroog No 295/23 dt 13/10/93

Mysore Govt. C. Press, Bangalore.—12-1-93.—1,000.

Subject No 157.

Custody of property belonging to Temples not ~~Govt~~ under ~~Govt~~ Management

Summary of discussion

Rules should be framed for the care and custody of jewels in temples not under the control of the Muzrai Department. Proper securities should be taken from persons who have charge of such jewels, and such as are not in daily use in the Temples should be secured in Government Treasuries

Dewan's reply ——— Noted.
This matter requires ——
legislation

G.V.

(General Serial No. 30.) 274

1893-94.

From The Deputy Commissioner
Tumkur District

To The Secretary to the
Government of Mysore
Muzrai Department.

Dated Tumkur 27th September
1893.

Despatched 28-

Received 29-9-93

Enclosures No. "

General No.
No. 277

Collector's letter dt 21-10-93

His Docket No: 295—302 of the 24th Instant received today, calling for an expression of opinion as to the custody of property of temples not under Government management.

—"—

In reply, has the honor to state that the under-signed doubts if Govern-ment can interfere with the affairs of temples not under

under Government management

[illegible]

Deputy Commissioner
Truckee district

(General Serial No. 30)

1893. 293

Allowed as 6/10/93

From The Deputy Commissioner,
Kolar District.

To The Munroi Secretary to
the Dewan of Mysore.

Dated 3rd
Despatched 5th October 1893.
Received 6/10/93

Enclosures No.

General No. 1257/1893-94.
No. 307

His Docket No: 295-302 dated the 24th ultimo requesting an expression of opinion in regard to subject No: 157 (Custody of property belonging to temples not under Government management) discussed at the meeting of the Representative Assembly held at Mysore in October 1892.

With reference to the above

has the honor to state that the suggestion seems to be a good one but the Government will have to legislate on the subject before interfering in the manner proposed by the Representatives.

Nanjundayya
for Deputy Commissioner
Kolar District

(General Serial No 30) 298

1893.

From The Dy Commissioner, Kadúr Dis trict

To Musyoi
The ~~Chief~~ Secretary to Govt of Mysore.

Dated 6th

Despatched 6th October 1893

Received 7-10-93

Enclosures No. 1

General No. 530 / 1893/94
No.

With reference to his Docket No 295-302 of the 24th Ultimo, calling for an expression of opinion on subject No 157 brought up at the Dassara Assembly in 1892 in re - the custody of property, belonging to temples not under Government management, has the honor to forward Musyoi Assistant Commissioner's letter No 27 of the 5th Instant, and to state that, as already observed by the Dewan, the matter requires legislation.

A small Committee, consisting of not less than 3 members to be selected from any of the respectable residents of the village, may be formed to manage the

affairs, one of them being made the custodian of jewels pertaining to the temple under the designation of Honorary Parpattegar, taking proper security from him.

The undersigned does not think that there are many temples in the Province, not under Government Management, possessing valuable Jewellery. In cases where there are such, the jewels valued above the limit fixed for those of temples under Government management, may be secured in Government Treasuries under conditions analogous to the other classes of temples.

A list of such temples with the names of managers and the description of property may be ordered to be lodged at the Taluk Katcherries.

Dy: Commissioner
Kadur District.

Reg No 4752

No 27/en 1

From

The Inuzarai Assistant Commissioner
Kadeer District

Inuzarai Assistant Commissioner.
Office Kadeer District.
Dated 5th October 1893.

To

The Deputy Commissioner
Kadeer District.

Sir,

With reference to your Memo No. 131 dated 29 ultimo giving cover to Inuzarai Secretary's docket No. 295-302/430 dated 24th ultimo regarding the care and custody of jewels in temples not under the control of the Inuzarai Department, I have the honor to state that it is highly desirable to arrange for the safe custody of jewels of such religious temples though not in receipt of State Pasalk or endowed with Inam lands.

enclosed in original.

The property in such cases is generally in the hands of Pujaris or Vahivatdars. No accounts of jewels are generally kept: Offerings of jewels made by devotees are not taken proper account of.

As Pujaris or Vahivatdars of such temples are not subordinate to any authority but are only subject to the communal control of the Village public opinion, the temptation of unscrupulous Pujaris or Vahivatdars to misappropriate such property is very great. As such jewels form trust property in which the public are interested and as His Highness' Government are now the sole trustees of all such charitable and religious institutions in the Province, Legislation for proper management of all such

Such temples is in my humble opinion urgently needed.

In this connection I beg to bring to your kind notice the difficulties that exist in recovering the Values of jewels lost through the negligence of Pujaris when so ordered under Government Proceedings No. 5-1-60 Inuz-F.26-92 dt 3rd November 1992 as there are no rules on the subject and as there is no provision for recovering such amounts as an arrear of Land Revenue. Pudevut Funds of temples under Inuzarai-Management, which are invested on personal or landed security, have sometimes to be recovered by having recourse to a Civil Court.

Endowments bequeathed to religious institutions are sometimes

sometimes misused. To seek
remedy in a Civil Court is
attended with difficulties and
therefore not generally resorted to.

I beg to bring the
above facts with a view to shew
the need there is for legislation
for better management of
religious institutions in the
Province.

I have the honor to be
Sir,
Your most obedient Servant
V Ramanujam
Inspector Asst Commissioner
Kadur District

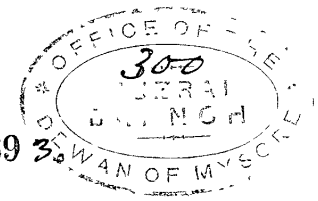
BBB

To carry out the above views I think
the best plan would be to have
honorary Inspectors & keep the
funds in their custody & be
responsible for them; such Inspectors
being appointed by the villagers themselves
& approved from time to time.

H H Sparkes
6/10/19

13

(General Serial No. 30.)



189 3.

From The Deputy Commr
Shimoga Dt.

To Mysore

The ~~Chief~~ Secretary to the Dewan
of Mysore.

Dated 5.
Despatched 6. } October
Received 7-10-93

Enclosures No. 1

General No. 3564
No.

In reply to No. 295/302
dated 24. ultimo forwards
copy of memo on the
subject of the custody
of property belonging
to temples not under
Govt. management

14 Dy Commissioners Office
Shimoga District
5th October 1893
Camp Honnali

No. 359 em/
16

To

The Muzarayi Secretary
to the Dewan of Mysore

Sir,

In reply to your No. 295-302 of the 24th ultimo, I have the honor to forward for information of Govern=ment Copy of a Memo embodying the joint opinion of Messrs Chalavadi Nageshu Row and Ramaswami Iyer B. A. Assistant Commissioners on the subject, and to add that there is no question that the property belonging to Temples not under the Control of the Muzarayi Department is exceedingly insecure, and not at all properly accounted for by the Temple Servants or others who

are in charge thereof It is highly desirable, may necessary, to lay down some easy rules for the better security of the property under advertence, but it is not at all advisable to interfere in the matter without the chief votaries of the institutions coming forward and applying for the relief, which should always be given with due consideration of their own suggestions and proposals.

I have the honor to be,

Sir,

Your most obedient servant

Abdul Rahman, Khan Bahadur

Dy Commissioner

Nemoga District

BKC

Memo.

The present practice in regard to the custody of jewels belonging to temples under Government management is to receive whatever valuable property is not in daily use into the Treasuries and recover a rent fixed by the authorities as per orders of the late Chief Commissr noted in the margin. Even if this is done only where adequate security cannot be had.

There seems no objection to extend the same practice in regard to — property belonging to temples not under Government management, provided those concerned desire it. For Government to interfere in such institutions without the — consent or express wishes of

responsible persons would lead to unpleasantness and ill-feeling undesirable to Court.

Shimoga
4th October
1893

Sdg. N. Chalaviengar
1st. Ass.t Comm.r

Sdg. B. Ramaswami Iyer
2d. Ass.t Comm.r.

Sdg. K. Nagesha Rao
3d. Ass.t Comm.r

"Copy"

Abdul Rahman KB.r

Dy Commissioner
Shimoga District.

(General Serial No. 30.)

1893-94 31 M C H

From The Dy Commissioner
Bangalore District

To

The ~~Chief~~ Secretary to the Dewan
of Mysore.
Muzra Department

Dated 7th
Despatched 9th } October 1893

Received 11-10-93

Enclosures No.

General No.
D No. 468

In reply to Muzra Secy's No. 295-302
dated 27th Ultimo.

SUBJECT.

Dasara Subject No. 157 of
October 1892, re legislating
for custody of property left
in trust to Temples.
Expressing opinion regarding

References (to be entered only in the Dewan's Office).

D. No 468

No.

Dy Commissioner's Office
Bangalore District
7th October 1893

To
The Durwan Secretary to the
Dewan of Mysore

Sir

With reference to your docketed No. 295-302 dated 27th September 1893 regarding the subject No. 657 brought up at the Durbara Representative assembly held in October last I have the honor to state that I think it would amount to an interference with the private right to legislate as desired, without discriminating trusts from private parties pure and simple - I shall explain my meaning more plainly - Suppose A builds a temple and provides for it all the requisite paraphernalia - Subsequently A changes his faith and becomes a Christian and wants to sell away the temple and other property attached to it. Why should he not do so? But the question assumes a different aspect altogether, if A should declare

the temple &c a trust for the benefit of a community or section of it he ceases to have any private right to it and it is but fair that the interests of the beneficiaries should be protected I would therefore suggest that a regulation be passed giving power to the Surveyor Department to take such steps as it considers desirable to secure all public trusts. It should also be given power to assume the management of such trusts, in the event of the persons managing them should fail to comply with the requisitions of the Surveyor Department made in order to secure them. I have indicated the bare outlines of the Legislative action needed.

I have the honor to be
Sir
Your most obedient Servant
B Goldsworthy
Pro Dy Commissioner

Wms

21

(General Serial No. 30.)

OFFICE OF THE
323
BRANCH
WAN OF M

1893.

From The Deputy Commr
Mysore District

To The Secretary
to the Dewan of
Mysore

Dated 11th October 1893 Mysore Dept.

Despatched

Received 12-10-93

Enclosures No.

General No. 442
No.

Regarding the taking
under Government
custody property
belonging to temples
which are not under
Government Management
(Dassara Subject no 137
of 1892).

No. 442

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,

Dated Mysore 11th October 1893.

From

A. Rangasami Iyengar Esq. B.A.B.L

Deputy Commissioner,
Mysore District.

To

The ~~Chief~~ Secretary to the Dewan of Mysore,

Moozarey Department

61
12/10/93

SIR,

In reply to your docket No. 295-302 dated the 24th ultimo, requesting my opinion in regard to taking under Government custody property belonging to temples which are not under Government management, (Dassara subject (No. 137 of 1892) I have the honor to state that I have no remarks to add to the views contained in the summary of discussion on the subject.

I have the honor to be,
Sir
Your most Obedt. Servant.

Deputy Commissioner
Mysore District

Compd
ldu

(General Serial No. 30.)

OFFICE OF THE
330
MYSORE
BRANCH
DIWAN OF MYSORE

1893.

From The Deputy Commissioner
Chitaldroog District

To Inuzamor
The ~~Chief~~ Secretary to the Dewan
of Mysore.

Dated 13th October 1893.

Despatched

Received 16-10-93

Enclosures Nos.

General No. 295.
No. 23.

His do letter No: 295-302
dated 24th Ultimo.

In reply, I have the honor to state that the question raised by the Member, is fraught with doubt and difficulty. The undersigned is of opinion that the Govt: has no right to interfere summarily with the management of private religious institutions or with their property. Nor does any legislation legalizing such interference

interference seems
unexceptionable
The Civil Procedure
Code contains provisions
as regards the institution
of suits in respect of
trust-property. Persons
interested in private
religious, or charitable
institutions may be
left to seek their
remedy by resort
to law.

C. Gellenbeck
Deputy Commissioner.
Dec 22

Proceedings of the Chief Commissioner of Mysore, General Department,
16th May 1877.

READ—

Rubkari No. 167, dated 24th April 1877, from the Deputy Commissioner, Shimoga District.

No. 1581—GENL. 41, DATED, BANGALORE, 16th MAY 1877.

ORDER THEREON.—In this case the Amildar of Kavaledurga fined the Archik of Pranadevaru temple at Mahishi in the sum of Rs. 2, for not having performed his duties properly. On appeal the Deputy Commissioner of Shimoga District remitted the fine on the ground that, as the temple was not under Muzarayi officer's management, the Amildar had no control over the Archik, and that the Inam lands attached to the temple may be resumed if the purposes for which they were granted were not fulfilled.

2. Considering the object with which the lands were granted in Inam to the temple, the Chief Commissioner considers that it should be brought under the control of the officers of Government, and that mere irregularities or derelictions of duty by a member of the temple establishment such as the Archik, should be restrained, without recourse to the threat of resumption of the endowment.

3. In the present case, it is not alleged by the Deputy Commissioner that the fine was unjustly imposed, and unless this was shown to the satisfaction of the Deputy Commissioner, the Chief Commissioner sees no sufficient reason for authorizing the refund of the amount.

4. The Chief Commissioner considers that, in the case of all Muzarayi establishments under Government management, the Muzarayi officer may be empowered to fine any member of it, for misdemeanours or irregularities which do not require severer notice, within a limit of Rs. 5 in each instance. The order will be subject to reversal by the Deputy Commissioner on appeal.

T. CLARKE,
Offg. Secretary.

To—The Commissioners of Divisions.
The Dy. Commissioners of Districts.

Shimoga, returning the bill.

Ex.d—A.N.S

1877

GOVERNMENT OF MYSORE.

GENERAL.

To

THE COMMISSIONERS OF DIVISIONS.
THE DY. COMMISSIONERS OF DISTRICTS.

Dated May 16th.

Despatched

Received

No. 1581
Genl 41.

Empowering Muzarayi officers in charge of Muzarayi establishments under Government management, to fine members of it, for misdemeanours or irregularities which do not require severer notice, within a limit of Rs. 5 in each instance, in connection with the case of fining of the Archik of Pranadevaru temple by the Amildar of Kavaledurga.

M.G.C.P. Bangalore.—4-5-94—120

1896

Read:— Representation
~~Subject~~ No 157 of
made at the the Dasara Assembly ~~Pas~~
of 1892 regarding that
Rules may be framed for
the care and custody of
jewels in temples not
under the control of the
Muzrai Department.

And.

The following letters
from the Dy Commrs of
the Several Dts (except Hassan), re-
-porting on the above

Tumkur Dy Commrs No 277
dated 29th Sept 93.

Kolar Dy Commrs No 1257/307
dated 3rd Oct. 1893

Shimoga Dy Commrs No 359/16
dated 5th Oct 1893.

Kadur Dy Commrs No 530
dated 6th Oct 93

Bangalore Dy Commrs no 468
dated 7 Oct 1893.
Mysore Dy Commrs no 442
dated 11th Oct 1893.
Chitaldrug Dy Commrs no 295/23
dated 13th Oct: 1893.

Order thereon.

Under para 2* of the late Ch: Commrs Instn no 1581/41 dated 16th May '77 the term "institutions under the control of the Muzrai department" should be understood as applying not only to institutions which are endowed with Cash Jaedik from the State but also to those which are endowed with land Inams exclusive without any cash allowance.

The custody of all property belonging to those institns

*Print in margin

Religious Charitable Institns

is governed by the rules laid down in the late Ch: Commrs Pro: No 9695/216 dated 16th March 1876 and its safety is further secured by the long recognized practice of holding the Servants of the Institutions directly accountable for the loss of their property. No additional rules in the matter are therefore now called for.

3. But as regards the institutions which do not enjoy any state endowment, either in the shape of cash Jaedit or Inam lands, the Govt. observe that the Inam Depto cannot interfere in any way. Persons interested in such

with their affairs

institutions should
seek their own reliefs
against any ~~abuse~~ abuse
of trust by the managers
of the institutions by
resorting to Civil Courts
according to Law.

Draft: Leey.

To The Dy Commrs of
Districts

Draft